United Nations S/2000/228

Security Council

Distr.: General
20 March 2000
English
Original: French

Letter dated 15 March 2000 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council

With reference to the Security Council debate on the report of the Panel of Experts on Violations of Security Council Sanctions against UNITA (S/2000/203), I have the honour to request you to have the attached letter circulated as a Security Council document.

(Signed) André **Adam**
Ambassador
Permanent Representative

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Annex

Letter dated 15 March 2000 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council

I have the honour to refer to the report of the Panel of Experts on Violations of Security Council Sanctions against UNITA (S/2000/203). My country is aware of the unspeakable ordeal inflicted on men, women and children in Angola. That is why Belgium fully and firmly supports the goals pursued by the authors of the report, and agrees with them that the effectiveness of the Security Council sanctions must be enhanced and that monitoring measures must be improved.

It is in this spirit that Belgium regrets the omission of important information from the report, and the inclusion of some unsubstantiated information.

The Belgian Government has indeed assumed its responsibilities, taking very seriously the United Nations sanctions regime as soon as sanctions were imposed.

Three major elements seem to be missing from the report:

(1) After several preparatory meetings, an inter-ministerial working group, known as the "task force", was established in January 2000. This task force has met five times since the beginning of the year. It includes representatives of all the ministries and services concerned. It has considered and adopted several measures aimed at improving the regime for monitoring the origin of diamonds. These measures include, *inter alia*, enhanced controls by the customs services and the Ministry of Economic Affairs, as well as the establishment of a certification mechanism with the Luanda authorities. Other measures, of an administrative nature, are being considered within the task force.

Even before the establishment of the task force, the existing controls had resulted in the seizure of illegal diamonds. In the wake of action taken by the task force, customs and judicial investigations were instituted against various persons suspected of trafficking in diamonds.

(2) During discussions held quite recently between the Minister for Foreign Affairs, Mr. Louis Michel, and the management of the High Diamond Council, the Council undertook to review its procedures, at the insistence of the Belgian Government. One of the decisions was to establish a second working group to include representatives of the Belgian Government and the Council, with the mission of preparing a programme of action and further measures.

(3) Moreover, the Belgian Government has cooperated fully, from the outset, with the Chairman of the sanctions Committee. In February 2000, that Chairman was informed orally and in writing of the most recent measures taken by the Government, in an update to the information already available to the Committee. Those measures were made public in a press release issued by the Ministry of Foreign Affairs in Brussels on 3 March 2000.

In addition, the Panel of Experts was provided with several pieces of information concerning Belgians — or other persons who might have Belgian nationality — operating abroad. The report fails to mention this cooperation, as well as the ongoing elaboration of an effective law on extraterritoriality for offences

involving illegal diamond trading. There is also a draft agreement between the High Diamond Council and the relevant judicial authorities regarding prosecution for diamond-related offences. In paragraph 87, the Panel reports that it "found that the extremely lax controls and regulations governing the Antwerp market facilitate and perhaps even encourage illegal trading activity". Belgium is the only country in the European Union with a mandatory licensing system for the import and export of diamonds, based on two 1962 laws and several royal and ministerial decrees (1987, 1993, 1995 and 1997). All trading in diamonds with countries not members of the European Union is subject to that regime. Moreover, there is a monitoring system for all diamond trading within the European Union.

Accordingly, the Belgian Government is astonished to find no mention by the Panel — or only very partial mention — of those various measures, despite the fact that they were reported in good time. The reference to "unwillingness" of the Belgian authorities effectively to police the smuggling of illegal Angolan diamonds on to the Belgian market (para. 108) therefore does not reflect the facts.

Attention should also be drawn to paragraph 88 of the report. It is quite wrong to state that 4,000 to 5,000 diamond dealers are involved in a so-called "grey" market in Antwerp and are not required to be registered. In effect, all diamond importers and exporters are required to register with the licensing department in Antwerp, which reports directly to the Ministry of Economic Affairs. This, however, does not apply to jewellers. The authors of the report apparently failed to appreciate that distinction.

Although the report refers to the basic problem of identifying the origin of diamonds (paras. 88 and 92), this extremely complex question is not properly developed and is visibly underestimated.

The Belgian Government welcomes the recommendation to convene a conference of experts for the purpose of determining a system of controls that would allow for increased transparency and accountability from the source or origin to the bourses (para. 113). It will participate in the conference and will ensure that Belgian experts make a contribution.

In conclusion and in general, I should like to stress that Belgium appreciates the concrete language used in the report, for it helps to update the working methods of the Security Council. At the same time, it regrets that the report makes no mention of the factual — and, in our opinion, essential — information reported by my delegation here in New York and during visits to Brussels and Antwerp by the authors of the report.

Belgium therefore requests that, during the Security Council debate, the report be supplemented to take the above factors into account.

Lastly, Belgium reiterates that it is fully prepared to work in close collaboration with the sanctions Committee. It agrees that armed conflicts should be settled through a political approach that does not ignore the perverse economic mechanisms that fuel conflicts.

(Signed) André **Adam**
Ambassador
Permanent Representative